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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91170403
Party	Defendant BVS Entertainment, Inc. BVS Entertainment, Inc. 500 South Buena Vista Street Burbank, CA 91521
Correspondence Address	JEREMY KAUFMAN THE WALT DISNEY COMPANY 500 S BUENA VISTA ST BURBANK, CA 91521-0006
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Date	05/26/2006
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

<p>SMSC GAMING ENTERPRISE d/b/a MYSTIC LAKE CASINO HOTEL,</p> <p style="text-align:center">Opposer</p> <p style="text-align:center">v.</p> <p>BVS ENTERTAINMENT, INC.,</p> <p style="text-align:center">Applicant.</p>	<p>Opposition No. 91170403</p> <p>Application No. 78/659,196 Mark: MYSTIC RACER Filed: June 27, 2005</p>
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ANSWER

BVS Entertainment, Inc. ("Applicant") answers the Notice of Opposition against its pending Application Serial No. 78/659,196 as follows:

Responding to the preamble of the Notice of Opposition, Applicant admits that it filed Application Serial No. 78/659,196 for the mark MYSTIC RACER on June 27, 2005, in the name of BVS Entertainment, Inc.; Applicant admits that the mark MYSTIC RACER as shown in Application Serial No. 78/659,196 was published for opposition on March 7, 2006; Applicant denies that Opposer will be damaged by the registration of the mark MYSTIC RACER; and Applicant lacks sufficient information to form a belief as to the truth or falsity of any remaining allegations in the preamble, and therefore denies them.

1. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 1 of the Notice of Opposition, and therefore denies them.

2. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 2 of the Notice of Opposition, and therefore denies them.

3. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 3 of the Notice of Opposition, and therefore denies them.

4. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 4 of the Notice of Opposition, and therefore denies them.

5. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 5 of the Notice of Opposition, and therefore denies them.

6. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 6 of the Notice of Opposition, and therefore denies them.

7. There is no Paragraph 7.

8. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations set forth in Paragraph 8 of the Notice of Opposition, and therefore denies them.

9. Admitted.

10. Applicant admits that on June 27, 2005, it filed intent-to-use Application Serial No. 78/659,196 for the mark MYSTIC RACER, which was published for opposition on March 7, 2006 for after-shave lotions; antiperspirants; aromatherapy oils;

artificial eyelashes and fingernails; baby oil; baby wipes; bath gels; bath powder; beauty masks; blush; body creams, lotions, and powders; breath freshener; bubble bath; cologne; cosmetics; dentifrices; deodorants; dusting powder; essential oils for personal use; eye liner; eye shadows; eyebrow pencils; face powder; facial creams; facial lotion; facial masks; facial scrubs; fragrance emitting wicks for room fragrance; fragrances for personal use; hair gel; hair conditioners; hair shampoo; hair mousse; hair creams; hair spray; hand cream; hand lotions; hand soaps; lip balm; lipstick; lip gloss; liquid soaps; makeup; mascara; mouthwash; nail care preparations; nail glitter; nail hardeners; nail polish; perfume; potpourri; room fragrances; shampoo-conditioners; shaving cream; skin soap; talcum powders; toilet water; skin creams; skin moisturizer; sun block; sun screen in International Class 3. Applicant lacks sufficient information to form a belief as to the truth or falsity of any remaining allegations set forth in Paragraph 10 of the Notice of Opposition, and therefore denies them.

11. Denied.

12. Denied.

13. Applicant denies the allegations in the WHEREFORE paragraph of the Notice of Opposition.

AFFIRMATIVE DEFENSES

14. Opposer has failed to state a claim upon which relief may be granted.

15. Opposer's allegations pertaining to matters outside of the United States are irrelevant and beyond the scope of this proceeding, and thus fail to state a claim upon which relief may be granted.

16. With respect to the exhibits attached to the Notice of Opposition, such exhibits do not constitute evidence of record, and thus Applicant denies any allegations purporting to relate to such exhibits.

WHEREFORE, BVS Entertainment, Inc. prays that this opposition be dismissed with prejudice, and that Applicant's mark be granted registration.

Respectfully Submitted,

Dated: May 26, 2006



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CERTIFICATE OF SERVICE

I hereby certify that on May 26, 2006, a true and correct copy of the foregoing Answer was served by United States first class mail, postage prepaid, on counsel for Opposer:

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